

REMARKS

The Office Action of April 26, 2004 has been carefully studied. Applicants acknowledge the substantive allowability of claims 2, 15, 16, 22, 25, 26 and 39 which would be allowable if rewritten into independent form including all the limitations of the base claim and any intervening claims. Applicants also acknowledge the allowability of claims 43 and 46 once the rejections under 35 U.S.C. § 112 are eliminated.

The following paragraphs respond to the Detailed Action:

Corresponding to claims 35 and 36, new claims 50 and 51, being dependent on allowable subject matter, of claim 2 should not be restricted.

The Office Action states that a corrected filing receipt would be sent to applicants, in view of the change in inventorship. For the record, applicants have not yet received same.

Claim Objections

The Examiner is thanked for the careful review of the claims so as to permit applicants to correct claims 40 and 44.

Claim Rejections – 35 U.S.C. § 112

Claim 43 is now amended so as to eliminate the typographical error insofar as the expression “(A11)” is now correctly set forth as -(A112)-. Claim 46 is also corrected by requiring that (B4) is present in the claim by eliminating the expression “optional” on the last line.

Claim Rejections – 35 U.S.C. § 102

Claim 40 is amended so that layers (A1) and (B1) comprise a polymer (A112) consisting essentially of alkyl(meth)acrylate units or a blend of fluoropolymer (A111). Since Roeber et al. does not contemplate a first layer consisting essentially of alkyl(meth)acrylate units or a blend with a fluoropolymer, claim 40 is no longer anticipated. Furthermore, since it would fly in the face of the teachings of Roeber et al. to substitute another polymer for the PVDF and the like or required by Roeber et al., claim 40 is also unobvious.

As for claim 41, this claim is amended so that there cannot be a polyamide layer between layers (B2) and (B3) which correspond to layer II and III of the reference. Furthermore, the essential polymer of Roeber et al., polyglutarimide, even if construed to read on a filler is no longer permitted in (B2) inasmuch as the filler is now recited as “an inorganic” filler. Accordingly, since layer (B2) of claim 41 does not permit the inclusion of a polyglutarimide in admixture with a polyamide, this layer also flies in the face of the Roeber et al. reference, and this claim is also unobvious under 35 U.S.C. § 103.

Claim Rejection – 35 U.S.C. § 103

According to the Office Action, the inclusion of an ink layer below one of the other layers in the film is considered to be unobvious with respect to Roeber et al. (page 10, numbered paragraph 19). However, the Examiner has maintained the rejection over Roeber et al. wherein the ink layer can be applied as the top layer.

Inasmuch as the reference in column 1, lines 46–48, in referring to the prior art state that the composites are not suitable for many applications owing to unsatisfactory paintability and poor barrier action, it would be expected that if Roeber et al. were of the opinion that the multilayer composites disclosed as their invention would have improved paintability, Roeber

et al. would have disclosed same in the patent. By virtue of the fact that there is no such disclosure, one of ordinary skill in the art would draw an inference that the products of Roeber et al. do not have improved paintability. This is not surprising since the focus of the applications of Roeber et al. relates to construction material. In contrast, the focus of applicants' invention is on decorative films. Accordingly, it is respectfully submitted that in view of the total teachings of the entire patent, it would not have been obvious to one of ordinary skill in the art to apply a paint layer to the top of Roeber et al.'s thermoplastic multilayer composite. Applicants do rely on the arguments in the last filed amendment and the discussion below.

As to applicants' dependent claims, it is seen that claims 29–34 are now canceled and claims 48–53 added, the latter group of claims being discussed below. In addition, the claims discussed in the Office Action starting on page 6, line 6, are amended, as follows:

In claim 4, it is now required that the film comprise at least one of (B112) or (A112). Accordingly, this claim is unobvious for the same reasons that claim 40 is unobvious.

Regarding claim 7, this claim also requires that the (A112) polymer be present.

Regarding claims 8 and 38, it is seen that the "blend" cannot contain 100% of the second component. With respect to the last two paragraphs on page 6 of the Office Action and the first two paragraphs on page 7, applicants do not necessarily acquiesce to the statements therein, but so as not to burden the record, applicants will offer no further discussion of the recited claims at this time except to reserve the right to rebut to the assertion at a later date if they are necessary.

With respect to the last paragraph on page 7, it was explained in the last reply that there are other methods of adding indicia onto construction materials, especially where it would not be obvious to apply paint to a layer of the PVDF and the like. Accordingly, it is

respectfully submitted that the basis for the rejection is speculative and has no underlying reference for support and therefore the rejection is improper.

With respect to paragraph 14 on page 8, it is seen that claim 21 is now dependent on claim 2, the latter claim being presumably allowable inasmuch as it is made independent, incorporating the applicable subject matter of claim 1.

With respect to claim 42 discussed on page 8, paragraph 15 of the Office Action, it is seen that the claim now requires that the blend contains at least 50% of the alkyl(meth)acrylate units, thereby flying in the face of the teachings of Koblitz (3,253,060) which mandates not more than 25% of polymethylmethacrylate in the molding composition.

With respect to the rejection of claims 45 and 47, Roeber et al. (5,858,494) in view of Fukushi et al. (5,658,670), it is first noted that the Fukushi et al. reference is not specifically directed to the use of a polyamide, but according to column 2, lines 55–57, the reference is directed to a polyamide, polyimide, polyurethane, carboxyl, anhydride, or imide functional polyolefin. The amount of di-polyamine must be of less than 1,000 molecular weight. According to applicants' specification, in the paragraph bridging pages 11 and 12, in order to obtain amine end groups it suffices to carry out the synthesis in the presence of an excess of diamine or, for polyamides (and copolyamides) which are manufactured using a lactan, are an α,ω -aminocarboxylic acid to use a diamine or a monoamine as chain limiter. This demonstrates, on information and belief, that applicants' polyamides having amine terminal groups are not the same as the products produced by Fukushi et al. To support this distinction, applicants hope to provide further evidence or arguments which will be filed in the form of a supplemental paper, if appropriate.

Also, on information and belief, there is a lack of motivation to combine the references, and this also will be explored in depth at a later date, if appropriate.

Allowable Subject Matter

Referring to page 10 of the Office Action, it is seen that claims 43 and 46 are amended to overcome the rejection under 35 U.S.C. § 112, and therefore they are allowable. Likewise, claim 2 is written into independent form, thereby mandating the allowance of all claims dependent thereon.

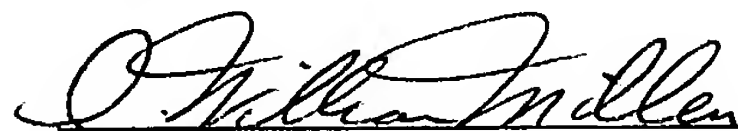
New Claim

New claims 48–53 are dependent claims which are self-explanatory. Claim 49, in particular, is consistent with the Examiner's comments that the references do not suggest an (A2) layer beneath an (A1) or (B1) layer, whichever is present.

In view of the above, favorable reconsideration is courteously requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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